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## BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2009 JUN 12 P 4: 46

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDA D. KENNEDY  
BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
NEWPATH NETWORKS, LLC, FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE TRANSPORT AND BACKHAUL  
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-20567A-07-0662

MOTION TO DELAY BRIEFING SCHEDULE  
UNTIL AFTER THE JUNE 18, 2009  
PROCEDURAL CONFERENCE

On May 29, 2009, a Procedural Order was issued which set June 12, 2009 as the deadline for initial briefs in this matter. The briefs were to address the issues raised in the City of Scottsdale's April 24, 2009 Hearing Memorandum. Since the Procedural Order was issued, the City of Scottsdale filed (on June 10, 2009), a Motion to Withdraw as a Party and Notice of Withdrawal of its Hearing Memorandum. The City of Scottsdale also filed an objection to data requests from Staff stating that in light of its withdrawal, such requests were inappropriate.

On June 12, 2009, a Procedural Order was issued which scheduled a procedural conference to discuss the City of Scottsdale's withdrawal from this proceeding and the City's objections to Staff's data requests. Staff notes that it has also received objections to similar data requests from the Town of Paradise Valley. (See attached).

In light of the City of Scottsdale's request to withdraw from this proceeding and the City's withdrawal of its Hearing Memorandum, and the objections of Scottsdale and Paradise Valley to

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Arizona Corporation Commission

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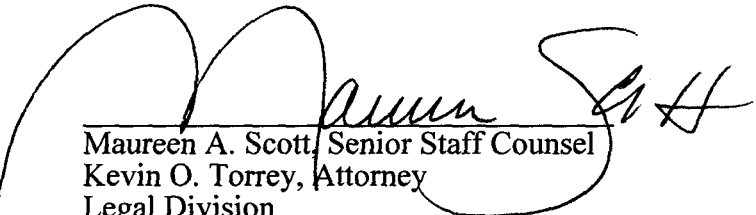
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1 respond to the Staff's data requests, the Staff requests a delay in the briefing schedule until these  
2 issues can be resolved. If the City of Scottsdale has withdrawn its Hearing Memorandum, there  
3 would appear to be no outstanding issues to brief at this point in time.

4 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of June, 2009.

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13 Original and thirteen (13) copies  
14 of the foregoing filed this  
15 12<sup>th</sup> day of June, 2009 with:

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